Private delicts include trespass, that is, hunting on another's land in the forest; theft, of honey-barrels in particular and of other things in general; murder; adultery; and assault. These are offences for which compensation is payable, or for which a man may kill the offender, e.g. for theft, though if he does so he must pay compensation for murder. Offences which concern fellow clansmen are dealt with by the clan council. Others came within the province of the *koret* council, which was not a daily affair, nor held at stated times, but only when there was a definite reason. When a person had some business which needed the calling of a council, he told the *kiruokindet*, who passed word round the *koret* that people should assemble on a certain day. If, for example, a man had been robbed of a honey-barrel, and knew who had stolen it, he would put the matter before the council, partly to decide on the amount of compensation, for the amount might vary according to the thief's circumstances, and partly to have public opinion behind him when he enforced his claim for payment. I believe that on the whole theft among the Dorobo themselves was not very common; and certain kinds of theft are regarded by them as so mean that a man must be very depraved indeed who will commit them. Besides, in a small horde whose members feel that outside their own circle every man's hand is against them, and to whom a stranger is a potential enemy until proved a friend, the need for unity and absence of friction is overwhelming if they are to survive. I certainly heard of no cases of theft during the period of my investigations. 673 681 [623] [692] 685 [609]

We may now pass on to describe some of the traditional measures taken against offenders.

Incest. Incest means intercourse between a man and a woman of his *tiliet* (that is, one whom he calls by a relationship term), and a clanswoman. We have already described the punishment for this (see above, p. 127 f.), which in the first case is carried out with the approval of the *koret* council, and in the second, under the authority of the clan council. 684

Killing a Dorobo. When a man killed a Dorobo belonging to another clan, the council of the dead man's clan met to discuss the amount of compensation that was to be paid (*tuk*), and then sent word to the council of the murderer's clan. This meant that the offence had been recognized, and that action must be taken. The council of the murderer's *koret* then assembled so that arrangements for payment could be made and become known to everybody. The murderer also had to be purified, in the same way as when the victim was a clansman. The *koret* council then met again to discuss the amount of the compensation. This, it seems, was usually reckoned at nine head of cattle (male or female), though it is doubtful if the full number was ever collected*, and if the murderer was a poor man with 682 691 692 [614]

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* The number nine is probably due to imitation of the Nandi procedure, where nine is the amount payable as compensation for homicide.

682 623 692 few relatives it would be very much less. The murderer had to provide as many of the number decided upon as he could, either from his own herd if he had one, or by getting them from the Nandi in exchange for furs, which meant, of course, that the cattle would be either oxen or worn-out old cows, and that he would not be able to provide many himself. It therefore fell to his relatives and clansmen to make up the number, which needed a clan council to apportion the balance among them, and also resulted in a good deal of feeling against the murderer for a time. Until the amount had been [illegible] agreed upon by both clan and forest councils, the murderer was liable (in theory at least) to be killed by his victim's relatives, so he had to lie low till the negotiations were completed, though again it is doubtful if they would actually have gone so far as killing him, for then they themselves would merely have had to return the cattle as compensation for their own act. In dividing cattle between the murdered man's relatives, the order of priority was brother, wife, father, mother, father's brother, father's brother's son, father's sister's son.

683 754 **Killing a witch.** Though in 1939 I could hear of no Dorobo who were reputed to be witches (ponik), such people certainly existed in the past. Apart from killing people by spells, their principal activities seem to have been centred on hunting — putting spells on game traps and on men who were going to hunt. If a witch was shown by a diviner to be guilty of a person's death, he or she might be killed, and no compensation was payable ([illegible]).

682 683 [illegible] **Killing an enemy.** This means killing any person who is not a Dorobo and is believed or known to have performed any unfriendly act against the Dorobo. The Dorobo have no sort of war organization, and their enemies were generally shot at from the cover of undergrowth. Though not a crime, killing an enemy none the less makes the killer ritually unclean and therefore dangerous to others because he has shed human blood. This action is thus brought into the same category as homicide of a Dorobo, and though there is naturally no compensation, purification is required. The face of a man who has killed an enemy is painted ([illegible]) with stripes of white earth ([illegible]) on the forehead, down each cheek, and down both sides of the nose. The paint is allowed to remain till it flakes off, and the man does not have to stay in his hut, but goes about as usual; though if he had killed a Nandi he would take care to go to some other part of the forest till he thought it safe to return. In actual fact, Nandi were seldom killed, but one who strayed into the forest might get shot by accident: the body would be taken to a lonely place for the hyenas to eat, and at any sign of Nandi activity the Dorobo would vanish into the depth of the forest where the Nandi would have little chance of finding them even if they had the inclination to search.

685 **Theft.** Stealing honey is the worst kind of theft, and is almost comparable with intra-tribal cattle-theft among the Nandi. A man who steals honey from someone else's barrels is considered very low indeed, and if found

[P.184, C]

5. The depressing influence on the mind of [illegible] is seen.

6. The effect of being cut off from neighbours even if the next settlement is but a few yards away; it cannot be seen, and the trees act as an enclosing wall forming an impenetrable barrier.

7. Forest life tends to produce shyness and timidity, especially with strangers, who are being suspected, and having presumably no legitimate business, are thought to have bad intentions.

Some of the differences between the [illegible] and the [illegible], which are produced by these factors are:

Shyness; comparative absence of laughter; [illegible] of outlook; aversion to industry, as shown by the [illegible] and [illegible] of the [illegible]; and the comparative [illegible] of the [illegible]. Even when [illegible] leave the forest and mix with others, they still retain these characteristics.

[P 192, 4]

[illegible]

[illegible] [262]

[illegible]

[illegible]

[illegible] [459]

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K
174 themselves, ready to pay the usual dues demanded of a foreign visitor, in course of time increased tremendously in numbers and gradually assumed an agricultural type of alimentary culture and in doing so put the Dorobo country to a different use which changed its face entirely. The very name Kikuyu must have been associated in Dorobo minds with the elimination of everything in life they thought worth while. So they would not readily share their country with a people who, they knew, intended to destroy its forest. The reaction of the occupants to what they thought the immigrants intention would govern the situation, and so the mode of acquisition, in each case. In the north a few Kikuyu hunters had come in and paid the usual fee or made the usual presents. There would here and there have been some clearing for a homestead, but later the increasing population (eventually too many to be overawed) would have started cultivation; the Dorobo would have begun to realise that their means of livelihood were gone or going fast; some no doubt would have been

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[609] absorbed [p. 10] and some would have Kikuyu-ised their way of life, but most would have searched for somewhere else where they could live their lives unhampered by the hated forest-hackers. In the south the immigrants made no pretence of seeking a share in hunting grounds; their openly declared intention was to make those grounds unsuitable for hunting; any other declaration would have been of no avail, the Kiambu Dorobo knowing where they came from and what had happened there, and doubtless knowing also that hunting was by then not merely rarely practised by the Kikuyu as a way of life, but almost, like its products, subject to taboo, at least regarded as an occupation followed only by the baser sort. Before they willingly relinquished what they held they would demand security or greater value than their brothers to the north had found; they would require in fact a guaranteed subsistence, not mere hunger.

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[648] Hitherto Dorobo sections whose borders marched with those of stronger peoples had always sought some form of symbiosis, a theoretical equality of status although their different mode of life and their dependence on the goodwill of a numerically stronger people involved in practice something approaching some degree of serfdom. But now their case was different. It was no longer just a matter of placating a dangerous neighbour by occasional gifts of ivory or hides or undertaking certain menial tasks to keep him in a peaceful